

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC.,
CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS,
ALCATEL-LUCENT S.A.,
ALCATEL-LUCENT USA, INC.,
ERICSSON INC.,
TELEFONAKTIEBOLAGET LM
ERICSSON,
APPLE INC.,
HTC CORPORATION,
HTC AMERICA, INC.,
LG ELECTRONICS, INC.,
LG ELECTRONICS USA, INC.,
SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS
AMERICA, INC., and
SAMSUNG
TELECOMMUNICATIONS AMERICA
LLC,

Defendants.

Civil Action No. 2:15-cv-00581

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE
AS TO DEFENDANT VERIZON COMMUNICATIONS INC.**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants Verizon Communications Inc.¹ (“VCI”) and Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) submit the following Stipulation of Dismissal Without Prejudice as to Defendant VCI and in support thereof state:

¹ CCE’s Complaint misidentifies Verizon Communications Inc. as Verizon Communications, Inc.

1. On April 30, 2015, Plaintiff CCE filed suit against VCI, Verizon Wireless, and others for alleged infringement of U.S. Patent No. 8,457,022 (“the ’022 Patent”), U.S. Patent No. 8,457,676 (“the ’676 Patent”), U.S. Patent No. 8,570,957 (“the ’957 Patent”), and U.S. Patent No. 8,867,472 (“the ’472 Patent”). On July 22, 2015, CCE filed its First Amended Complaint adding allegations of infringement as to U.S. Patent No. 9,025,590 (“the ’590 Patent”) and U.S. Patent No. 9,078,262 (“the ’262 Patent”),.
2. VCI represents and warrants that:
 - a. VCI is a holding company that has no employees, sales representatives, or distributors. Furthermore, VCI does not instruct, direct, or control the activities of its subsidiaries (or any other entity) relevant to (i) the operation or design of any cellular telephone communications network; or (ii) the operation or design of wireless device features and functionality.
 - b. VCI and Verizon Wireless agree that for purposes of discovery in this case, documents and information in the possession, custody or control of VCI or any of its subsidiaries are deemed also to be in the possession, custody and control of Verizon Wireless. Verizon Wireless will not object to a request for deposition on the grounds that the prospective deponent is an employee of VCI or any of its subsidiaries (though nothing in this stipulation prevents Verizon Wireless from objecting to a deposition on other grounds).
 - c. Verizon Wireless is the proper party to defend against allegations made in this patent infringement lawsuit. Furthermore, Verizon Wireless or any assignee of Verizon Wireless is able to satisfy any judgment against it in this case. VCI and Verizon Wireless each warrant and represent that they will not take

any action that will cause Verizon Wireless to be unable to fully satisfy any judgment entered in this case.

3. CCE expressly does not stipulate or agree to any of the foregoing facts and reserves its right to dispute any of the foregoing factual representations with evidence to the contrary.
4. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(c) above, CCE agrees to dismiss VCI without prejudice as allowed under Rule 41(a)(2) of the Federal Rules of Civil Procedure.
5. CCE has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim CCE has or may have in the future against any defendant named in this action or any other asserted infringer of the patents-in-suit. All other rights have been expressly reserved.

Accordingly, CCE, VCI, and Verizon Wireless request that the Court enter the attached order dismissing VCI without prejudice.

Dated: September 14, 2015

Respectfully submitted,

/s/ Jeffrey R. Bragalone

Jeffrey R. Bragalone (lead attorney)
Texas Bar No. 02855775
Monte M. Bond
Texas Bar No. 02585625
Terry A. Saad
Texas Bar No. 24066015
BRAGALONE CONROY PC
2200 Ross Avenue
Suite 4500W
Dallas, TX 75201

/s/ Sarah J. Kalemeris

Michael E. Jones
State Bar No. 10929400
Patrick C. Clutter, IV
State Bar No. 24036374
mikejones@potterminton.com
patrickclutter@potterminton.com
POTTER MINTON, P.C.
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597-8311

Tel: (214) 785-6670
Fax: (214) 785-6680
jbragalone@bcpc-law.com
mbond@bcpc-law.com
tsaad@bcpc-law.com

Edward R. Nelson, III
ed@nelbum.com
Texas Bar No. 00797142
S. Brannon Latimer
brannon@nelbum.com
Texas Bar No. 24060137
Thomas C. Cecil
tom@nelbum.com
Texas Bar No. 24069489
NELSON BUMGARDNER, P.C.
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
Phone: (817) 377-9111
Fax: (817) 377-3485
NELSON BUMGARDNER CASTO, P.C.
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
Phone: (817) 377-9111
Fax: (817) 377-3485

T. John Ward, Jr.
Texas State Bar No. 00794818
J. Wesley Hill
Texas State Bar No. 24032294
Claire Abernathy Henry
Texas State Bar No. 24053063
WARD & SMITH LAW FIRM
P.O. Box 1231
1127 Judson Rd. Ste. 220
Longview, Texas 75606-1231
(903) 757-6400
(903) 757-2323 (fax)
jw@jwfirm.com
wh@wsfirm.com
ch@wsfirm.com

**ATTORNEYS FOR PLAINTIFF
CELLULAR COMMUNICATIONS
EQUIPMENT LLC**

Fax: (903) 593-0846

Thomas M. Dunham
D.C. Bar No. 448407
tdunham@winston.com
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20006-3817
Tel: (202) 282-5000
Fax: (202) 282-5100

Sarah J. Kalemeris (*pro hac vice*)
Illinois Bar No. 6303644
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601-9703
Tel: (312) 558-5600
Fax: (312) 558-5700
skalemeris@winston.com

**ATTORNEYS FOR DEFENDANTS
VERIZON COMMUNICATIONS INC.
AND CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 14th day of September, 2015. As of this date all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Sarah J. Kalemeris
Sarah J. Kalemeris